

REMARKS

Applicant hereby traverses the current rejections, and requests reconsideration and withdrawal in light of the remarks contained herein. Claims 1, 2 and 4-8 stand withdrawn from consideration. Claims 1-2, 4-11, 14-34, and 36-39 are pending in this application.

Rejection Under 35 U.S.C. § 103

Claims 9-11, 14-23, and 31-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogg et al. (US Pub. 2002/0073039, hereinafter Ogg) in view of Allport et al. (US Pub. 2001/0037320, hereinafter Allport).

To establish prima facie obviousness of a claimed invention, all the claim limitations must be shown by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Because the proposed combinations fail to teach multiple claim limitations as asserted by the Examiner, Applicant respectfully submits that the present rejections are improper.

Lack of Limitations

The Office Action admits that Ogg does not teach that image selection is based upon one or more characteristics of the recipient. The Office Action attempts to cure this deficiency by introducing Allport, which the Office Action alleges to teach having such limitations. Specifically, the Office Action states that Allport teaches “printing a postage indicia label wherein the image is selected based upon one or more characteristics of the particular recipient.” However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Claim 9 defines a method for printing postage indicia on labels that includes printing an image on the blank, wherein each of the postage indicia are associated with a mail piece that is designated for a particular recipient; and wherein the image is selected based upon one or more characteristics of the particular recipient. The Office Action admits that Ogg does not teach this limitation. Allport does not teach this limitation either. More specifically, Allport does not teach

printing a postage indicia label wherein the image is selected based upon one or more characteristics of the particular recipient as stated by the Office Action. Allport teaches printing one or more advertisements on the envelope, and does not teach printing postage indicia. See Figure 4 and the accompanying text. Thus, the combination of Ogg and Allport does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 9 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Claims 10-11, and 14-23 depend from base claim 9, and thus inherit all limitations of claim 9. Each of claims 10-11 and 14-23 set forth features and limitations not recited by the combination of Ogg and Patton. Thus, Applicant respectfully asserts that for the above reasons claims 10-11 and 14-23 are patentable over the 35 U.S.C. § 103 rejection of record, and Applicant respectfully requests that the rejection of record be reversed.

Claims 31-32 depend from base claim 24, which is not subject to this rejection of record. Consequently, the rejection of claims 31 and 32 is improper, as there is no analysis as to the limitations of claim 24 in view of Ogg and Allport.

Rejection Under 35 U.S.C. § 103

Claims 24-30, 33-34, and 36-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogg.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be shown by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Because the proposed combinations fail to teach multiple claim limitations as asserted by the Examiner, Applicant respectfully submits that the present rejections are improper.

Lack of Limitations

The Office Action admits that Ogg does not teach a high speed letter processing system. The Office Action attempts to cure this deficiency by introducing Official Notice, which the

Office Action alleges to teach having such limitations. However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Claim 24 defines a method for creating postage indicia for use on mail pieces that includes monitoring the progress of mail pieces in a high-speed letter processing system. Modified Ogg does not teach at least this limitation. The Office Action asserts that Ogg teaches monitoring the progress of mail pieces in a letter processing system, and cites paragraph [0031] of Ogg as support. However, Applicant has reviewed this paragraph and notes that this paragraph discusses having a user interface into which a user enters postage information. There is no teaching to monitor the progress of mail pieces in a letter processing system, whether high-speed or otherwise. Therefore, Applicant respectfully asserts that the 35 U.S.C. § 103 rejection of record is improper.

Claim 24 also defines that the method comprises coordinating the operation of the postage indicium applicator and a postage evidencing system that creates the indicia to ensure that the correct postage indicia are applied to each envelope. Modified Ogg does not teach at least this limitation. The Office Action asserts that Ogg teaches the coordinating in the discussion and cites paragraph [0034] of Ogg as support. However, Applicant has reviewed this paragraph and notes that this paragraph discusses the operation with respect to whether a print wizard was used to generate the request to print computer-based postage indicia. There is nothing to teach coordinating the operation of a postage indicium applicator and a postage evidencing system that creates the indicia to ensure that the correct postage indicia are applied to each envelope. Therefore, Applicant respectfully asserts that the 35 U.S.C. § 103 rejection of record is improper.

Claim 24 further defines that the method is operative for a high-speed letter processing system. Modified Ogg does not teach at least this limitation. The Examiner states that Ogg does not teach a high-speed letter processing system, but asserts that high-speed processing systems are well known in the art as evidenced by Katikaneni et al. (US Pub. 2002/0073052). The Examiner then states that it is obvious for Ogg's system to be a high-speed processing system.

Applicant respectfully disagrees. However, Applicant notes that the Examiner must provide analysis supporting any rationale why a person skilled in the art would combine the prior art to arrive at the claimed invention, and “[such] analysis should be made explicit,” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. ____ (2007). Merely opining that high-speed processing systems are well known in the art is insufficient to establish obviousness under 35 U.S.C. § 103. More specifically, citing Official Notice provides a teaching, but not the rationale for combination. Since, there is only a statement that such a combination is obvious, and no supporting rationale, then Applicant asserts that the 35 U.S.C. § 103 rejection of record is improper.

Thus, Applicant respectfully asserts that for the above reasons claim 24 is patentable over the 35 U.S.C. § 103 rejection of record, and Applicant respectfully requests that the rejection of record be reversed.

Claims 33-34 and 36-39 depend from base claim 24, and thus inherit all limitations of claim 24. Each of claims 33-34 and 36-39 sets forth features and limitations not recited by the modification of Ogg. Thus, Applicant respectfully asserts that for the above reasons claims 33-34 and 36-39 are patentable over the 35 U.S.C. § 103 rejection of record, and Applicant respectfully requests that the rejection of record be reversed.

Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 61135/P022US/10303187 from which the undersigned is authorized to draw.

Dated: December 19, 2008

Amendment in Response to Non-Final Office

Action
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(e)(4).

Dated: December 19, 2008

Signature: 

(Joy H. Perigo)

Respectfully submitted,

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